

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Webb Candy, Inc. and
Licensed Sports Marketing, LLC,

Plaintiffs,

vs.

Wal-Mart Stores, Inc.,

Defendant.

Court File No. 09-cv-2056 PJS/JJK

**DEFENDANT'S AMENDED MOTION
TO DISMISS OR, IN THE
ALTERNATIVE, TO TRANSFER
VENUE**

Defendant Wal-Mart Stores, Inc. moves the Court to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(3) for improper venue and Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted or, in the alternative, to transfer venue to the United States District Court for the Western District of Arkansas pursuant to 28 U.S.C. § 1404(a).

This Motion is based on the file, record, pleadings, and arguments of counsel in the case, as well as Defendant's Memorandum of Law and Declaration.

Dated: August 31, 2009

s/ Richard D. Snyder

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